

Adopted	Rejected
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## COMMITTEE REPORT

YES:	8
NO:	0

### MR. SPEAKER:

*Your Committee on Public Safety and Homeland Security, to which was referred Senate Bill 247, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 13, delete lines 26 through 33.
- 2       Page 18, between lines 7 and 8, begin a new paragraph and insert:
- 3       "SECTION 30. IC 22-11-14.5-3 IS AMENDED TO READ AS
- 4       FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The fire prevention
- 5       and building safety commission shall adopt rules under IC 4-22-2 ~~and~~
- 6       ~~IC 22-13-2.5~~ to implement a statewide code concerning displays of
- 7       indoor pyrotechnics. The rules:
- 8       (1) must require that a certificate of insurance be issued that
- 9       provides general liability coverage of at least five hundred
- 10      thousand dollars (\$500,000) for the injury or death of any number
- 11      of persons in any one (1) occurrence and five hundred thousand
- 12      dollars (\$500,000) for property damage in any one (1) occurrence
- 13      by an intended display of indoor pyrotechnics arising from any
- 14      acts of the operator of the display or the operator's agents,
- 15      employees, or subcontractors;

(2) must require the person intending to present the display to give, at least twenty four (24) hours before the time of the display, written notice of the intended display to the chief of the responding fire department of the location proposed for the display of the indoor pyrotechnics and to include with the written notice a certification from the person intending to display the indoor pyrotechnics that the display will be made in accordance with:

(A) the rules adopted under this section; and

(B) any ordinance or resolution adopted under section 4 of this chapter;

(3) must include and adopt NFPA 1126, Standard for the Use of Pyrotechnics before a Proximate Audience, 2001 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts ~~12269~~; **02169**;

(4) must be amended to adopt any subsequent edition of NFPA Standard 1126, including addenda, within eighteen (18) months after the effective date of the subsequent edition; and

(5) may provide for amendments to NFPA Standard 1126 as a condition of the adoption under subdivisions (3) and (4).

SECTION 31. IC 22-12-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) "Mobile structure" means any part of a fabricated unit that is designed to be:

(1) towed on its own chassis; and

(2) connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.

(b) The term includes the following:

(1) Two (2) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity.

(2) Two (2) or more units that are separately towable but designed to be joined into one (1) integral unit.

**(3) One (1) or more units that include a hoisting and lowering mechanism equipped with a platform that:**

**(A) moves between two (2) or more landings; and**

**(B) is used to transport one (1) or more individuals.**

SECTION 32. IC 22-12-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The education board consists of eleven (11) voting members. The governor shall

1 appoint nine (9) individuals as voting members of the education board,  
 2 each to serve a term of four (4) years. The state fire marshal and the  
 3 ~~executive deputy~~ director of the ~~public safety institute~~ **department's**  
 4 **division of preparedness and training** shall also serve as voting  
 5 members of the education board.

6 (b) Each appointed member of the education board must be qualified  
 7 by experience or education in the field of fire protection and related  
 8 fields.

9 (c) Each appointed member of the education board must be a  
 10 resident of Indiana.

11 (d) The education board must include the following appointed  
 12 members:

13 (1) ~~Two (2)~~ **Seven (7)** individuals who are ~~fire chiefs~~ **members of**  
 14 ~~a fire department.~~ **departments. Appointments under this**  
 15 **subdivision must include the following:**

16 (A) **At least one (1) individual who is a full-time firefighter**  
 17 **(as defined in IC 36-8-10.5-3).**

18 (B) **At least one (1) individual who is a volunteer firefighter**  
 19 **(as defined in IC 36-8-12-2).**

20 (C) **At least one (1) individual who is a fire department**  
 21 **officer.**

22 (2) ~~Two (2)~~ individuals who are not fire chiefs but are officers of  
 23 a fire department.

24 (3) ~~Two (2)~~ members of a fire department who are not officers of  
 25 the fire department but have at least ten (10) years of fire  
 26 protection service.

27 (4) ~~Three (3)~~ **(2) Two (2)** citizens who are not members of a fire  
 28 department."

29 Page 18, between lines 39 and 40, begin a new paragraph and insert:

30 "SECTION 34. IC 22-13-2-2, AS AMENDED BY P.L.44-2005,  
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 2. (a) The commission shall adopt rules under  
 33 IC 4-22-2 ~~and IC 22-13-2.5~~ to adopt a statewide code of fire safety laws  
 34 and building laws.

35 (b) Before December 1, 2003, the commission shall adopt the most  
 36 recent edition, including addenda, of the following national codes by  
 37 rules under IC 4-22-2 and IC 22-13-2.5 **(before its repeal):**

38 (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).

1 (2) ASME A17.1 (Safety Code for Elevators and Escalators, an  
2 American National Standard).

3 (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway  
4 Chairlifts, American National Standard).

5 (4) ASME QEI-1 (Standard for the Qualification of Elevator  
6 Inspectors, an American National Standard).

7 (5) The American Society of Civil Engineers (ASCE) Automated  
8 People Mover Standard 21.

9 (6) ANSI A90.1 Safety Code for Manlifts.

10 (c) Before July 1, 2006, the commission shall adopt the most recent  
11 edition, including addenda, of ASME A17.3 (Safety Code for Existing  
12 Elevators and Escalators, an American National Standard) by rules  
13 under IC 4-22-2 and IC 22-13-2.5 **(before its repeal)**.

14 (d) The commission shall adopt the subsequent edition of each  
15 national code, including addenda, to be adopted as provided under  
16 subsections (b) and (c) within eighteen (18) months after the effective  
17 date of the subsequent edition.

18 (e) The commission may amend the national codes as a condition of  
19 the adoption under subsections (b), (c), and (d).

20 (f) To the extent that the following sections of the International Fire  
21 Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply  
22 to tents or canopies in which cooking does not occur, the commission  
23 shall suspend enforcement of the following sections of the International  
24 Fire Code, 2000 edition, until the ~~office of the state fire marshal~~  
25 **division of fire and building safety** recommends amendments to the  
26 commission under subsection (h) and the commission adopts rules  
27 under subsection (i) based on the recommendations:

28 (1) Section 2406.1 (675 IAC 22-2.3-233).

29 (2) Section 2406.2.

30 (3) Section 2406.3.

31 (g) To the extent that section 2403.2 of the International Fire Code,  
32 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, applies to  
33 a tent or canopy in which there is an open flame, the commission shall  
34 suspend enforcement of section 2403.2 until the ~~office of the state fire~~  
35 **marshal division of fire and building safety** recommends amendments  
36 to section 2403.2 to the commission under subsection (h) and the  
37 commission adopts rules under subsection (i) based on the  
38 recommendations and amending section 2403.2.

(h) ~~The office of the state fire marshal~~ **division of fire and building safety** shall recommend amendments to the commission to the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:

- (1) Section 2403.2.
- (2) Section 2406.1 (675 IAC 22-2.3-233).
- (3) Section 2406.2.
- (4) Section 2406.3.

(i) After receiving and considering recommendations from the ~~office of the state fire marshal~~ **division of fire and building safety** under subsection (h), and using the procedure set forth in IC 4-22-2-38, the commission shall amend the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:

- (1) Section 2403.2.
- (2) Section 2406.1 (675 IAC 22-2.3-233).
- (3) Section 2406.2.
- (4) Section 2406.3."

Page 20, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 35. IC 36-8-12-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 18. (a) A volunteer fire department may, at its discretion, declare the following records confidential for purposes of IC 5-14-3:**

- (1) **Personnel files of members of the volunteer fire department.**
- (2) **Files of applicants to the volunteer fire department.**

**(b) Notwithstanding subsection (a), a volunteer fire department may not declare the following information confidential:**

- (1) **The name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former members of the volunteer fire department.**
- (2) **Information relating to the status of any formal charges against a member.**
- (3) **The factual basis for a disciplinary action in which final action has been taken and that resulted in the member being suspended, demoted, or discharged.**

1       **However, all personnel file information shall be made available to**  
2       **an affected member or the member's representative.**

3       **(c) This section does not apply to disclosure of personnel**  
4       **information generally on all members or for groups of members**  
5       **without the request being particularized by member name."**

6       Page 20, line 16, delete "." and insert "; IC 22-13-2.5."

7       Renumber all SECTIONS consecutively.

(Reference is to SB 247 as printed January 18, 2006.)

**and when so amended that said bill do pass.**

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Representative Ruppel